



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Deok Hoon Kim, et al. :  
Serial No: 10/692,816 : Art Unit #2811  
Filed : 27 October 2003 : Examiner:  
Title : ELECTRONIC PACKAGE OF : C. Q. Nguyen  
PHOTO-SENSING SEMICONDUCTOR  
DEVICES, AND THE FABRICATION  
AND ASSEMBLY THEREOF

RECEIVED  
DEC 03 2004  
LICENSING & REVIEW

PETITION FOR RETROACTIVE LICENSE

Mail Stop L&R  
Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 5.25, Applicants, by the undersigned attorney, hereby requests a retroactive license under 35 U.S.C. § 184 for foreign application filing in the Republic of Korea on 10 November 2003 corresponding in subject matter to the above-referenced U.S. Non-Provisional Patent Application.

Pursuant to 37 C.F.R. § 5.25, Applicants hereby also request a retroactive license under 35 U.S.C. § 184 for foreign application filing in the Republic of

Korea on 10 November 2003 corresponding in subject matter to U.S. Provisional

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Patent Application Serial No. 60/507,100, filed 1 October 2003, on which the above-referenced Non-Provisional Patent Application is based.

**REMARKS**

The subject U.S. Non-Provisional Application No. 10/692,816, was filed on 27 October 2003 based upon a corresponding U.S. Provisional Application, No. 60/507,100, filed earlier on 1 October 2003. The subject Non-Provisional Application claimed priority benefit in the Provisional Application No. 60/507,100. These U.S. Applications were filed by the undersigned attorney at the direction of OptoPac, Inc., the Assignee of both Applications. OptoPac, Inc. is a Korean company.

Official filing receipts issued thereafter in these cases, noting in each case that foreign filing license had indeed been granted. The official filing receipt for Provisional Application No. 60/507,100 was issued on 1 December 2003 and noted a foreign filing license grant date of 29 November 2003, while the official filing receipt for Non-Provisional Application No. 10/692,816 issued on 4 February 2004 and noted a foreign filing license grant date of 3 February 2004.

After the filing of these U.S. Applications, but before official filing receipts had issued in either of the cases, Korean National Application Nos. 10-2003-79245 and 10-2003-79246 each based upon both U.S. Patent Applications were filed by OptoPac, Inc.'s Korean counsel, J. Lee & Associates of Seoul, Korea, on 10 November 2003. The attached Declaration of Jae Hwa Lee, a principal attorney at the firm of J. Lee & Associates, attests to the fact that such filing in Korea was made without any awareness that foreign filing licenses had yet to issue in the corresponding U.S. Applications, or that such foreign filing licenses might

even be required. Thus, the filing in Korea prior to grant of the foreign filing licenses in the U.S. Applications was effected in error, and without any deceptive intent. The attached Declaration of the undersigned attorney further attests that the subject matter in question is not currently under any secrecy order, and that a retroactive license is being diligently sought after discovery of the foreign filing. This Petition is made to remove any later questions as to the legal propriety of that filing.

A check in the amount of \$130.00 is submitted herewith to cover the fee due for this Petition under 37 C.F.R. § 1.17(h). Should additional fees be required in connection with this filing, the Director of Patents and Trademarks is hereby authorized to charge such additional amounts required to deposit account #18-2011.

Wherefore, grant of a retroactive foreign filing license to cover the 10 November 2003 foreign filing in this case is respectfully requested.

Respectfully submitted,  
For: ROSENBERG, KLEIN & LEE



Jun Y. Lee  
Registration #40,262

Dated: 12/3/2004

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